

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled PULSE OXIMETRY EAR SENSOR; the specification of which is attached hereto;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/410,499  
60/412,281

Filing Date: September 14, 2002  
September 21, 2002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of first inventor: **Christian Schulz**

Inventor's signature Christian Schulz  
Date 06/27/03

Residence: **Rancho Santa Margarita, California**

Citizenship: **United States of America**

Post Office Address: **same as above**

Full name of second inventor: **Massi E. Kiani**

Inventor's signature Massi E.

Date 7-2-03

Residence: **Laguna Niguel, California**

Citizenship: **United States of America**

Post Office Address: **same as above**

Full name of third inventor: **Eugene Mason**

Inventor's signature Eugene

Date 7/2/03

Residence: **La Mirada, California**

Citizenship: **United States of America**

Post Office Address: **same as above**

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Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

**Customer No. 20,995**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Christian Schulz et al.	)
			)
App. No.	:	Unknown	)
			)
Filed	:	Herewith	)
			)
For	:	PULSE OXIMETRY EAR SENSOR	)
			)
Examiner	:	Unknown	)
			)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected

App. No. : Unknown  
Filed : Herewith

herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

MASIMO CORPORATION

Dated: 7/17/03

By:   
Chris Kilpatrick

Title: V.P. Business Development and  
General Counsel

Address: 2852 Kelvin Avenue  
Irvine, CA 92614

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